



DOCKET NO. DEP5249

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Sutton et al.

Serial No.: 10/826,186

Art Unit: 3738

Filed : April 16, 2004

Examiner: tbd

For : Intervertebral Disc With Monitoring and Adjusting Capabilities

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

September 9, 2004

(Date of Deposit)

Amy Schick

(Name of person mailing)

Amy Schick

(Signature)

September 9, 2004

(Date of Signature)

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO NOTICE TO FILE MISSING PARTS  
SUBMISSION OF COMBINED DECLARATION AND POWER OF ATTORNEY

Dear Sir:

Pursuant to Rule 53(f) and Rule 54, please find enclosed a Combined Declaration and Power of Attorney for the application of Sutton et al. entitled Intervertebral Disc With Monitoring and Adjusting Capabilities, attorney Docket No. DEP5249, to complete, pursuant to Rule 51, this application filed on April 16, 2004 by Express Mail pursuant to Rule 10. As required, a copy of the Notice to File Missing Parts of Application is also attached.

Please charge Johnson & Johnson Deposit Account No. 10-0750/DEP5249/TMD in the amounts of \$130.00 for submission of the Declaration pursuant to Section 1.16(e).

~~09/14/2004 EMAIL1 00000017 100750 10026186~~

~~01 FC:1051 130.00 DA~~

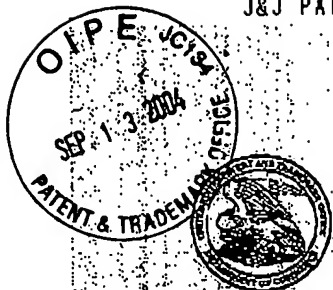
The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Account No. 10-0750/DEP5249/TMD. This sheet is submitted in triplicate.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Thomas M. DiMauro". The signature is fluid and cursive, with the first name "Thomas" and last name "DiMauro" clearly distinguishable.

Thomas M. DiMauro  
Reg. No. 35,490  
Attorney for Applicant(s)

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## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/826,186	04/16/2004	Jeffrey Sutton	DEP5249

27777  
 PHILIP S. JOHNSON  
 JOHNSON & JOHNSON  
 ONE JOHNSON & JOHNSON PLAZA  
 NEW BRUNSWICK, NJ 08933-7003

CONFIRMATION NO. 9801

## FORMALITIES LETTER



\*0000000013085863\*

Date Mailed: 08/28/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$130 for a Large Entity

- \$130 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
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 Alexandria VA 22313-1450

09/14/2004 EHAILE1 00000017 10826186  
 01 FC:1051 30.00 DA

*A copy of this notice **MUST** be returned with the reply.*

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Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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